

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

In re:)	MDL No. 1456
)	Civil Action No. 01-12257-PBS
)	
PHARMACEUTICAL INDUSTRY)	Subcategory No. 06-11337
AVERAGE WHOLESALE PRICE)	
LITIGATION)	
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THIS DOCUMENT RELATES TO:)	
<i>United States of America ex rel. Ven-A-Care of</i>)	Judge Patti B. Saris
<i>the Florida Keys, Inc., by and through its principal</i>)	
<i>officers and directors, Zachary T. Bentley and</i>)	
<i>T. Mark Jones v. Actavis Mid Atlantic LLC, et al.</i>)	

**STIPULATION OF DISMISSAL WITH PREJUDICE
OF CERTAIN CLAIMS AGAINST SANDOZ
AND MOTION FOR ORDER OF DISMISSAL WITH PREJUDICE**

The above-captioned matter is an action brought under the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. §§3729-3733, by Relator Ven-A-Care of the Florida Keys, Inc. (the “Relator”) against Sandoz Inc. (f/k/a Geneva Pharmaceuticals, Inc.), (“Sandoz”) (Sandoz together with Relator collectively the “Parties”).

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. §3730(b)(1), and in accordance with the terms and limitations of the Consent of the United States of America to the Relator’s Dismissal with Prejudice of Certain Claims Pursuant to 31 U.S.C. §3730(b)(1)(the “Consent of the United States”) (attached hereto as Exhibit A) and of the Settlement Agreement and Release (attached as Exhibit 1 to the Consent of the United States), the Parties hereby stipulate to the entry of an order dismissing certain claims in the Complaint against Sandoz that are identified in, and subject to the limitations, exceptions and exclusions of, the Settlement Agreement and Release.

The Parties further stipulate that any claim the Relator or its counsel have, with respect to the dismissed Texas-related claims, to a Relator's share or for expenses, attorneys' fees, and costs shall, except as set forth in the Settlement Agreement, not be the responsibility of Sandoz.

WHEREFORE, to permit them to effectuate the terms of their partial settlement, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. § 3730(b)(1), the Parties respectfully request that the Court enter an order in the form attached to the Consent of the United States as Exhibit 2 and attached hereto as Exhibit B.

Respectfully submitted,

/s/ James J. Breen

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Dated: Sept. 9, 2011

CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the foregoing document, filed this 9th day of September, 2011 via the Court's ECF system, will be sent electronically by the ECF system to the registered participants as identified on the Notice of Electronic Filing (NEF) and to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case management Order No 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/James J. Breen
JAMES J. BREEN